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U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 16, 2014

**BY ECF**

The Honorable Harold Baer, Jr.  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Chambers 2230  
New York, New York 10007

Re: **United States v. Vargas Cardona**  
**S1 11 Cr. 349 (HB)**

Dear Judge Baer:

The Government writes, with defendant Ericson Vargas Cardona's consent, to respectfully update the Court on developments in this case, and to request (1) an enlargement of time for the filing of defense motions, and (2) an adjournment of the status conference currently scheduled for May 22, 2014.

As the Court is aware, the Government has produced a large amount of electronic discovery in this matter, consisting primarily of information downloaded from computers and phones that were in Vargas Cardona's possession at the time of his arrest.

Recently, the Government received additional material from Colombia. That material consists of reports, photos, and video, among other things, and much of it is discoverable. The Government is reviewing that material and intends to produce discoverable information early next week.

In light of that late disclosure, the Government believes that Vargas Cardona is entitled to an enlargement of time within which to file motions, to allow Vargas Cardona and his attorney to review the new material and contemplate additional or modified motions. To that end, the parties jointly propose that the deadline for defense motions be extended from May 19 to June 16, 2014.

Moreover, the parties are having productive plea discussions, and there is a reasonable chance that this case will be resolved prior to trial.

Hon. Harold Baer, Jr.  
May 16, 2014  
Page 2 of 2

In light of the developments described above, the Government believes an approximately 30-day adjournment of the May 22 conference is warranted. If the Court agrees, the Government moves to exclude the time between May 22, 2014 and the date of the next pretrial conference in the interests of justice, to afford the defense an opportunity to review the voluminous discovery already produced—much of which is in Spanish—to allow the Government time to review and produce the new material received from overseas, to allow the defense to contemplate and prepare motions, and to allow the parties to continue discussing a possible resolution of this matter prior to trial. See 18 U.S.C. § 3161(h)(7)(A). Defense counsel has expressly consented to such an exclusion on Vargas Cardona's behalf.

Respectfully submitted,

PREET BHARARA  
United States Attorney

By: /s/ Michael Ferrara  
Edward Y. Kim  
Michael Ferrara  
Assistant U.S. Attorneys  
212-637-2401 / -2526

Cc: Laura M. Miranda, Esq.

5/19/14  
PTC adjourned to 6/19/14  
w/ the understanding that the  
balance of any time taken including  
trial remain the same  
SO ORDERED  
/s/ [Signature]  
VSO

Endorsement:

Pre trial conference adjourned to June 19, 2014 with the understanding that the balance of any timetable including trial remain the same.